

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDON CHISM,

Petitioner,

No. CIV S-03-1793 MCE KJM P

vs.

D. ADAMS,

Respondent.

ORDER

Petitioner, a state prison inmate proceeding with counsel¹ with a petition for a writ of habeas corpus, has timely filed a notice of appeal from the judgment dated August 6, 2010, denying his petition for a writ of habeas corpus. He has also filed a motion to proceed in forma pauperis.

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¹ Although the notice of appeal is filed in pro per, counsel has not sought to withdraw in compliance with Local Rule 182(d).

1 Rule 24(a) of the Federal Rules of Appellate Procedure provides that a party to a
2 district court action who desires to proceed in forma pauperis on appeal must file a motion in the
3 district court which:

4 (A) shows in the detail prescribed by Form 4 of the Appendix of
5 Forms the party's inability to pay or to give security for fees and
6 costs;

7 (B) claims an entitlement to redress; and

8 (C) states the issues that the party intends to present on appeal.

9 Fed. R. App. P. 24(a)(1). Petitioner has demonstrated his inability to pay but has not otherwise
10 complied with the rule.

11 Accordingly, IT IS HEREBY ORDERED that petitioner's motion to proceed in
12 forma pauperis on appeal (docket no. 72) is denied without prejudice.

13 DATED: September 9, 2010.

14 
15 U.S. MAGISTRATE JUDGE

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